

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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R. SCOTT STEVENSON,

Plaintiff-Counterclaim Defendant,

-against-

TYCO INTERNATIONAL LTD., and TYCO
INTERNATIONAL (US) INC.,

Defendants-Counterclaimants,

-and-

TME MANAGEMENT CORP., TYCO
INTERNATIONAL LTD RETIREMENT COMMITTEE,
TYCO INTERNATIONAL (US) INC.
ADMINISTRATIVE COMMITTEE, TYCO
INTERNATIONAL (US) INC. SPECIAL APPEALS
COMMITTEE, and FIDELITY INVESTMENTS
INSTITUTIONAL SERVICES COMPANY, INC.,

Defendants.
-----X

No. 04 CV 4037 (KMK)

Electronically Filed

NOTICE OF CROSS-MOTION TO STAY ARBITRATION

PLEASE TAKE NOTICE that, upon the annexed Declaration of Jane Greenman, dated October 14, 2005, the Declaration of Matthew Sarelson, Esq., dated October 13, 2005, the Declaration of Eric G. Hoffman, Esq., dated October 14, 2005, together with the exhibits annexed thereto, the accompanying Memorandum of Law, and all the pleadings and prior proceedings had herein, the undersigned will move this Court before the Honorable Kenneth M. Karas, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, at such time as the Court directs, (i) for an Order pursuant to 9 U.S.C. § 4 and 28

U.S.C. § 1651(a) granting Defendant-Counterclaimant’s cross-motion to stay arbitration and (ii) for such other relief as the Court deems just and proper.

Dated: New York, New York
October 14, 2005

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: /S/
Christopher P. Reynolds (CR-8338)
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Attorneys for Defendants-Counterclaimants
TYCO INTERNATIONAL LTD., and
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